

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

THE DAILY WIRE, LLC *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF STATE *et al.*,

Defendants.

Civil Action No. 6:23-cv-00609 (JDK)

**JOINT MOTION TO EXTEND PLAINTIFFS' DEADLINE TO RESPOND TO
MOTION TO TRANSFER AND DEFENDANTS' DEADLINE TO RESPOND
TO MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Rule CV-7(e), the parties respectfully submit this joint motion to extend Plaintiffs' deadline to respond to Defendants' motion to transfer venue, ECF No. 14, and Defendants' deadline to respond to Plaintiffs' motion for preliminary injunction, ECF No. 11. For the reasons below, good cause exists to grant this joint request.

1. This action commenced on December 6, 2023. *See* Complaint, ECF No. 1. The Complaint alleges that Defendants are "actively intervening in the news-media market to render disfavored press outlets unprofitable by funding the infrastructure, development, and marketing and promotion of censorship technology and private censorship enterprises." *Id.* ¶ 1. The Complaint raises claims under the First Amendment (Counts I and II), as well as claims alleging unlawful agency action beyond Constitutional and statutory authority (Counts III-V).

2. There are four motions pending before this Court:

- Defendants' motion to transfer venue. *See* ECF No. 14 (filed on February 9, 2024).

Defendants seek to transfer this matter to the United States District Court for the District of Columbia. *Id.* at 1. In support, Defendants argue that (1) venue cannot

be predicated on the State of Texas's presence as a Plaintiff because Texas lacks Article III standing, and (2) even if Texas had Article III standing, the Complaint fails to demonstrate that any party resides in this District or that a substantial part of the actions giving rise to any claims arose in this District. *See id.* Plaintiffs' response is currently due by February 23, 2024; Defendants' reply is currently due by March 1, 2024. *See* LR CV-7(e).

- Plaintiffs' consent motion for leave to exceed the page limit for their memorandum in support of motion for preliminary injunction. *See* ECF No. 10 (filed on February 6, 2024). This motion is unopposed.
- Plaintiffs' motion for preliminary injunction. *See* ECF No. 11 (filed on February 6, 2024). Plaintiffs seek to preliminarily enjoin Defendants from "continuing to fund, test, market, promote, host on its platform, and/or otherwise assist with or encourage the development or use of technology that targets in whole, or in part, Americans' speech or the American press." *See id.* at 2. Defendants' response is currently due within fourteen days from the date the Court rules on Plaintiffs' motion for leave to exceed their page limit for their motion for preliminary injunction. *See* LR CV-6(k) ("The time for filing any responsive documents will run from the date of the order on the motion for leave."); *see also* LR CV-7(e).
- Plaintiffs' motion for expedited preliminary-injunction-related discovery. *See* ECF No. 13 (filed on February 7, 2023). Plaintiffs seek authorization to conduct discovery in support of their motion for preliminary injunction. Defendants' response is currently due by February 21, 2024; Plaintiffs' reply is currently due by February 28, 2024. *See* LR CV-7(e).

3. The parties have conferred and jointly request that the Court extend the deadlines for Defendants' motion to transfer venue and for Plaintiffs' motion for preliminary injunction as follows:

- March 15, 2024 – Plaintiffs’ opposition to Defendants’ motion to transfer and Defendants’ opposition to Plaintiffs’ motion for preliminary injunction;
- April 5, 2024 – Defendants’ reply in support of their motion to transfer venue and Plaintiffs’ reply in support of their motion for preliminary injunction.

4. Good cause exists to grant this extension. The parties have conferred and agree to this modified briefing schedule, which will allow sufficient time to prepare appropriate responses and which factors in existing deadlines in other litigation matters as well as pre-scheduled annual leave for some of the undersigned counsel as well as counsel from the Department of State who are involved in this matter.

5. This extension would not impact any other existing deadlines in this matter. That is, it would not impact Defendants’ February 21, 2024 deadline to respond to Plaintiffs’ motion for expedited preliminary-injunction related discovery. Nor would it impact Defendants’ March 28, 2024 deadline to respond to the Complaint. *See* ECF No. 15.

Accordingly, the parties respectfully request that the Court enter their agreed-upon modified briefing schedule for Defendants’ motion to transfer venue and for Plaintiffs’ motion for preliminary injunction. A proposed order is attached.

Dated: February 13, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2024, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for all of the parties have conferred and agree upon this motion.

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